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19202 US PTO

# UTILITY PATENT APPLICATION TRANSMITTAL

*(Only for new nonprovisional applications under 37 CFR 1.53(b))*

<b>Attorney Docket No.</b>	4378D3
<b>First Inventor</b>	Lee et al.
<b>Title</b>	Nitro-Substituted Non-Fluorescent Asymmetric Cyanine Dye Compounds
<b>Express Mail Label No.</b>	EL 897 624 564 US

**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

1.  Fee Transmittal Form (e.g., PTO/SB/17)  
*(Submit an original, and a duplicate for fee processing)*
2.  Applicant claims small entity status.  
See 37 CFR 1.27.
3.  Specification [Total Pages 29]  
*(preferred arrangement set forth below)*
  - Descriptive title of the Invention
  - Cross References to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings *(if filed)*
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4.  Drawing(s) (35 U.S.C. 113) [Total Sheets 8]
5. Oath or Declaration [Total Pages 2]
  - a.  Newly executed (original or copy)
  - b.  Copy from a prior application (37 C.F.R. § 1.63(d))  
*(for continuation/divisional with Box 18 completed)*
    - i.  **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. §§ 1.63(d)(2) and 1.33(b).
6.  Application Data Sheet. See 37 CFR 1.76.

**ADDRESS TO:**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

7.  CD-ROM or CD-R in duplicate, large table or Computer Program *(Appendix)*
8. Nucleotide and/or Amino Acid Sequence Submission *(if applicable, all necessary)*
  - a.  Computer Readable Copy (CRF)
  - b. Specification Sequence Listing on:
    - i.  CD-ROM or CD-R (2 copies); or
    - ii.  paper
  - c.  Statement verifying identity of above copies

**ACCOMPANYING APPLICATION PARTS**

9.  Assignment Papers (cover sheet & document(s))
10.  37 C.F.R. §3.73(b) Statement  Power of Attorney *(when there is an assignee)*
11.  English Translation Document *(if applicable)*
12.  Information Disclosure Statement (IDS)/PTO-1449  Copies of IDS Citations
13.  Preliminary Amendment
14.  Return Receipt Postcard (MPEP 503) *(Should be specifically itemized)*
15.  Certified copy of Priority Document(s) *(if foreign priority is claimed)*
16.  Certified Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17.  Other: Transmittal of Div. App. Under 37CFR 1.53(b)

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18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

Continuation  Divisional  Continuation-in-part (CIP) of prior application No.: **10/404,404** filed **March 31, 2003**

Prior application information: Examiner: **Jezia Riley** Group Art Unit: **1637**

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**19. CORRESPONDENCE ADDRESS**

<input checked="" type="checkbox"/> Customer Number or Bar Code Label	22896			<input type="checkbox"/> Correspondence address below
Name	Vincent P. Liptak			
Address	Applied Biosystems			
	850 Lincoln Centre Drive			
City	Foster City	State	California	Zip Code
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				94404
				650-638-6677

Name (Print/Type)	Vincent P. Liptak	Registration No. (Attorney/Agent)	53,225
Signature			Date 05/05/04

**CERTIFICATION UNDER 37 CFR 1.10**

Express Mail Number: EL 897 624 564 US

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Desi Innocencio  
(Print Name of Person Mailing Application)

Date of Deposit: May 5, 2004

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Desi Innocencio  
(Signature of Person Mailing Application)

Docket No. 4378D3

**Transmittal of Divisional Patent Application  
For Filing Under 37 CFR 1.53(b)**

PRIOR APPLICATION:      Examiner: Jezia Riley      Art Unit: 1637

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is a request for filing a  continuation  divisional application under 37 CFR 1.53(b), of pending prior application serial no. 10 /404,404 filed on March 31, 2003 by Linda G. Lee, Ronald J. Graham, Khairuzzaman B. Mullah, Francis T. Haxo, entitled

**NITRO-SUBSTITUTED NON-FLUORESCENT ASYMMETRIC CYANINE DYE COMPOUNDS**

**1. Enclosed are:**

- One stamped, self-addressed postcard for PTO datestamp.
- Certificate of Express Mail.
- One utility patent application containing text pages 1 - 29 and
  - 8 sheets of  formal  informal drawings.
- Application Data Sheet.
- Copy of executed Declaration of Inventorship from parent application serial no. 09/012,525.
- Sequence Listing printout, Request to Use from prior application, and matching Declaration.
- A Preliminary Amendment.
- A new Power of Attorney.

**2. Amendment**

- Please enter the enclosed Preliminary Amendment before calculating the filing fee. It is understood that only amendments reducing the number of claims will be entered for this purpose.
- Please cancel original claims \_\_\_, inclusive, before calculating the filing fee. (At least one original independent claim should be retained for filing purposes.)
- Amend the specification by inserting before the first line the sentence: -- This application is a divisional / continuation of application serial no. \_\_\_\_\_ filed \_\_\_\_\_ which is a divisional / continuation of application serial no. \_\_\_\_\_ filed \_\_\_\_\_ . --

**3. Extension of Time**

- A petition for extension of time has been filed in the parent to extend the pendency of the parent to \_\_\_\_\_ (copy enclosed).

- Conditional Petition for Extension of Time: An Extension of Time is requested to provide for timely filing if required to establish copendency with the parent after all papers filed herewith have been considered.

4. Prior Documents Still in Effect

- This application and parent application Serial No. 10/404,404 filed March 31, 2003 are assigned of record to Applera Corporation.
- Power of attorney in the above-identified prior application is to Vincent P. Liptak, Reg. No. 53,225 and the other attorneys or agents identified therein.

5. Fees

The filing fee is calculated below taking into account any amendments in section 2 above:

FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE
TOTAL CLAIMS	16 - 20	0	X \$18	\$0.00
INDEPENDENT CLAIMS	1 - 3	0	X \$86	\$0.00
BASIC FEE				\$00.00
Multiple Dependency Fee If Applicable \$290.00				
Total				
50% Reduction for Independent Inventor, Non-profit Organization or Small Business Concern				
TOTAL FILING FEE				\$00.00

- The Commissioner is hereby authorized to charge the filing fee, any deficiency in fees under 37 CFR 1.16 and 1.17, or any other fees necessary for timely filing of this application, or credit any overpayment to Deposit Account No. 01-2213. A duplicate copy of this sheet is enclosed.
- A check in the amount of \$ \_\_\_\_\_ is enclosed.
- Filing fee to be submitted in response to anticipated receipt of Notice to File Missing Parts.  
**DO NOT CHARGE DEPOSIT ACCOUNT.**

Respectfully submitted,

Vincent P. Liptak, Reg. No. 53,225

Correspondence Address:

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